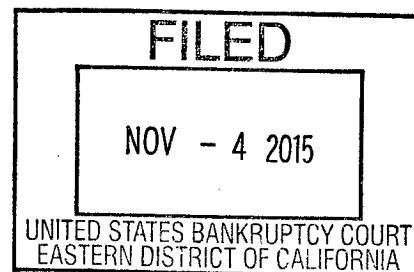


PDES



\$ 350.00

JOHN VAN DOREN, S.B.N. 140942
901 H STREET, SUITE 304
SACRAMENTO, CA 95814
(916) 442-1932

Attorney for Greg Padilla,
dba Greg Padilla Bail Bonds

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
[SACRAMENTO DIVISION]

In re: Larry Perkins,

Debtor

Greg Padilla, dba Greg Padilla Bail Bonds,

Plaintiff,

v

Larry Perkins,

Defendant

Case No. 15-25308-A-13J

Adv. No. 15-02213

**COMPLAINT TO DETERMINE
DICHARGEABILITY OF DEBT**

Plaintiff Greg Padilla, dba Greg Padilla Bail Bonds alleges:

1. This is an adversary proceeding brought to determine the dischargeability of certain debts of defendant to plaintiff pursuant to 11 U.S.C. Section 523. This action is a core proceeding over which this Court has jurisdiction pursuant to 28 U.S.C. Sections 151, 157(a), 157 (b2) and 1334(a).
2. Venue is proper pursuant to 28 U.S.C. section 1409.
3. Defendant Larry Perkins filed a Chapter 13 bankruptcy action on July 1, 2015, and Jan P. Johnson was named the Chapter 13 trustee.

General Allegations

4. Plaintiff arbitrated Superior Court of California, County of Sacramento Case No. 02AS04144 with Defendant Larry Perkins on April 7, 2005. Bradley R. Larson served as the arbitrator. On April 13, 2005 an Award of Arbitrator was issued in which the defendant, Larry

1 Perkins was found to have breached his contract with the plaintiff. Further, the arbitrator's
2 award found against the defendant in regard to the issue of fraud for fraudulently posting two
3 deeds of trust as collateral on the bail bond and the defendant's subsequent denial of having
4 signed the deeds of trust. Accordingly, based on these acts of fraud, an award of exemplary
5 damages was awarded. A true and correct copy of that Award of Arbitrator and Statement of
6 Decision is attached as Exhibit "A".

6 5. The Award of Arbitrator was filed on April 14, 2005. A true and correct copy of that
7 award is attached as Exhibit "B" and is incorporated by this reference.

8 6. Judgment was entered by the Superior Court of California, County of Sacramento and
9 mailed on July 7, 2005. A true and correct copy of the Judgment In Arbitration Proceedings is
10 attached as Exhibit "C" and is incorporated by this reference.

11 7. An Application for and Renewal of Judgment was filed on April 3, 2015 in the Superior
12 Court of California, County of Sacramento. A true and correct copy of the Renewal for
13 Judgment is attached as Exhibit "D" and is incorporated by this reference.

13 **First Claim for Relief**

14 8. Plaintiff incorporates by reference, as fully set forth, the allegations at paragraphs 1-8 of
15 this complaint.

16 9. In doing the acts alleged above, and as found the arbitrator and agreed to by the court in
17 plaintiff's state court action against the defendant, defendant is indebted to plaintiff for money as
18 a result of services rendered when those services were obtained by false representation and actual
19 fraud.

20 10. Based on defendant's conduct and the judgment entered in the California state court,
21 defendant's obligation to plaintiff in the amount of \$21,855.00, which includes \$7,500.00 in
22 punitive damages, \$10,760.00 in costs after judgment and \$35,706.58 in post-judgment interest.
23 As the award in this case includes punitive damages and decision of fraud was determined to be
24 true, this debt is non-dischargeable under U.S.C. Section 523(a)(2)(A).

23 **Second Claim for Relief**

24 11. Plaintiff incorporates by reference, as though fully set forth, the allegations in paragraph
25 1-10 of this Complaint.

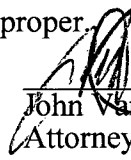
26 12. Defendant's conduct alleged above and as found by the arbitrator and the Court in the
27 California state court action constituted fraudulent acts by the defendant and constituted in
28 injuries to the plaintiff.

1 13. Defendants obligations to plaintiff in the amount of \$21,855.00, costs after judgment in the
2 amount of \$10,760.00 and interest after judgment in the amount of \$35,706.58, for a total of \$68,
3 321.58, is non-dischargeable under 11 U.S.C. Section 523(a)(6) as the judgment contains an
4 award of punitive damages as a result of the defendant's fraudulent actions.

5 WHEREFORE, plaintiff pray for judgment as follows:

- 6 1. For a judgment in favor of plaintiff and against defendant in the amount of \$21,855.00,
7 costs after judgment in the amount of \$10,760.00, and interest after judgment in the
8 amount of \$35,706.58. The total judgment in plaintiff's prayer for relief amounts to
9 \$68,321.58;
- 10 2. For an award of attorney's fees and costs of suit; and,
- 11 3. For such any other relief the Court deems just and proper.

Dated: November 4, 2015



John Van Doren,
Attorney for Plaintiff

EXHIBIT “A”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address)
BRADLEY R. LARSON (SBN 095470)
GREVE, CLIFFORD, WENGEL & PARAS, LLP
2870 GATEWAY OAKS DRIVE, SUITE 210
SACRAMENTO, CALIFORNIA 95833-4324
TELEPHONE NO.: (916) 443-2011 FAX NO.: (916) 441-7457
ATTORNEY FOR (Name): ARBITRATOR

FILED
APR 14 2005
By C Sydnor, Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CASE TITLE

PADILLA v. PERKINS

FILED
34

CASE NO. 02AS04144

AWARD OF ARBITRATOR

The undersigned arbirator, having been duly sworn and having heard the cause and the matter being deemed submitted on APRIL 7, 2005, awards in full and final settlement of all claims submitted to arbitration as follow: (Check appropriate box)

- ☒ Plaintiff(s) shall recover from defendant(s) as damages the sum of 11,150.00.
- ☐ Cross-complainant(s) shall recover from cross-defendant(s) the sum of
- ☐ Plaintiff(s) claim denied.
- ☐ Cross-complainant(s) claim denied.
- ☒ Costs are awarded to PLAINTIFF
- ☐ Each side to bear own costs.

\$ 3,205.00
06-10-05
PR

per cost bill.

Arbitrator's Comments:
SEE ATTACHED STATEMENT OF DECISION

Dated: APRIL 13, 2005

By: BRADLEY R. LARSON

I am a citizen of the United States and a resident of the County of Sacramento.

I am over the age of eighteen years and not a party in the above-entitled action; my business address is:
2870 GATEWAY OAKS DRIVE, SUITE 210
SACRAMENTO, CALIFORNIA 95833

On the below date I served the Award of Arbitrator on the parties in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Post Office mail box at SACRAMENTO

California, addressed as follows:

John Van Doren, Esq.

Attorney at Law

3610 American River Drive, Suite 112

Sacramento, CA 95864

Joel K. Uher, Esq.

Law Office of Joel K. Uher

9295 E. Stockton Blvd., #30

Elk Grove, CA 95624

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on APRIL 13, 2005

at SACRAMENTO

, California.

By: STEPHANIE M. TEIXERIO



STATEMENT OF DECISION

The evidence is convincing, indeed overwhelming, that Defendant signed the July 17, 1998 application, the indemnity contract, and the two deeds of trust, his denials notwithstanding

Respectfully, I find that Defendant's denial of the existence of the indemnity contract (under California law a separate tort in-and-of-itself), coupled with the fraudulent trust deed issue and enhanced by his outright denial of signing them, warrant the imposition of exemplary damages. Therefore, in addition to breach of contract damages, I also award Plaintiff \$7,500 in punitive damages.

Attorney fees are recoverable under sub-paragraph "FOURTH" of the indemnity agreement. I find attorney fees were necessarily incurred as a result of Defendant's contract breach and I therefore award them. Fees, costs and interest are to be awarded as part of this decision if an appropriately itemized fee/cost/interest bill is submitted within ten (10) days of the date this award is filed.

EXHIBIT “B”

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

BRADLEY R. LARSON (SBN 095470)
GREVE, CLIFFORD, WENGEL & PARAS, LLP
2870 GATEWAY OAKS DRIVE, SUITE 210
SACRAMENTO, CALIFORNIA 95833-4324

TELEPHONE NO.: (916) 443-2011 FAX NO.: (916) 441-7457

ATTORNEY FOR (Name): ARBITRATOR

FILED
APR 14 2005
By C Sydnor, Deputy

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CASE TITLE

PADILLA v. PERKINS

FILED

CASE NO. 02AS04144

AWARD OF ARBITRATOR

The undersigned arbitrator, having been duly sworn and having heard the cause and the matter being deemed submitted on APRIL 7, 2005, awards in full and final settlement of all claims submitted to arbitration as follow: (Check appropriate box)

☒ Plaintiff(s) shall recover from defendant(s) as damages the sum of 11,150.00.

☐ Cross-complainant(s) shall recover from cross-defendant(s) the sum of

☐ Plaintiff(s) claim denied.

☐ Cross-complainant(s) claim denied.

☒ Costs are awarded to PLAINTIFF

\$ 3,205.00
06-10-05
[Signature]

per cost bill.

☐ Each side to bear own costs.

Arbitrator's Comments:
SEE ATTACHED STATEMENT OF DECISION

Dated: APRIL 13, 2005

By: BRADLEY R. LARSON
[Signature]

I am a citizen of the United States and a resident of the County of Sacramento.

I am over the age of eighteen years and not a party in the above-entitled action; my business address is:
2870 GATEWAY OAKS DRIVE, SUITE 210
SACRAMENTO, CALIFORNIA 95833

On the below date I served the Award of Arbitrator on the parties in said action by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States Post Office mail box at SACRAMENTO

California, addressed as follows:

John Van Doren, Esq.

Attorney at Law

3610 American River Drive, Suite 112

Sacramento, CA 95864

Joel K. Uher, Esq.

Law Office of Joel K. Uher

9295 E. Stockton Blvd., #30

Elk Grove, CA 95624

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on APRIL 13, 2005

at SACRAMENTO

, California.

By: STEPHANIE M. TEIXERIO



STATEMENT OF DECISION

The evidence is convincing, indeed overwhelming, that Defendant signed the July 17, 1998 application, the indemnity contract, and the two deeds of trust, his denials notwithstanding

Respectfully, I find that Defendant's denial of the existence of the indemnity contract (under California law a separate tort in-and-of-itself), coupled with the fraudulent trust deed issue and enhanced by his outright denial of signing them, warrant the imposition of exemplary damages. Therefore, in addition to breach of contract damages, I also award Plaintiff \$7,500 in punitive damages.

Attorney fees are recoverable under sub-paragraph "FOURTH" of the indemnity agreement. I find attorney fees were necessarily incurred as a result of Defendant's contract breach and I therefore award them. Fees, costs and interest are to be awarded as part of this decision if an appropriately itemized fee/cost/interest bill is submitted within ten (10) days of the date this award is filed.

EXHIBIT “C”

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

JUDGMENT IN ARBITRATION PROCEEDINGS
Section 1615c California Rules of Court

SUPERIOR COURT
CASE NUMBER: 02AS04144

GREGORY PADILLA VS. ANTRON PERKINS, ET AL

You are hereby notified that judgment is entered on 06/30/05 in conformance with the Arbitration Award filed 04/14/05 in the above-entitled action.

VAN DOREN, JOHN
3610 AMERICAN RIVER DR.
SUITE 112
SACRAMENTO CA 95864

Attorney for Plaintiff

UHER, JOEL K.
LAW OFFICE JOEL K. UHER
9295 E STOCKTON BL, #30
ELK GROVE CA 95624

Attorney for Defendant

I hereby certify that I did this date mail a copy of the above notice to all counsel listed hereon in a sealed envelope with sufficient postage affixed thereto and deposited same in the United States Post Office at Sacramento, California.

Dated: JUL - 7 2005

Deputy



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, State Bar number):

After recording, return to:

John Van Doren (SBN 140942)

901 H St #304

Sacramento, CA 95814

TEL NO.: 916-442-1932

FAX NO. (optional):

E-MAIL ADDRESS (Optional):

☒ ATTORNEY FOR ☒ JUDGMENT CREDITOR ☐ ASSIGNEE OF RECORD

SUPERIOR COURT OF CALIFORNIA, COUNTY OF California

STREET ADDRESS: 720 Ninth St

MAILING ADDRESS:

CITY AND ZIP CODE: Sacramento, CA 95814

BRANCH NAME: Civil Division

FOR RECORDER'S USE ONLY

PLAINTIFF: Greg Padilla dba Central Valley Bail Bonds

DEFENDANT: Larry Perkins

CASE NUMBER:

02AS04144

APPLICATION FOR AND RENEWAL OF JUDGMENT

FOR COURT USE ONLY

☒ Judgment creditor

☐ Assignee of record

applies for renewal of the judgment as follows:

1. Applicant (name and address):

Greg Padilla dba Central Valley Bail Bonds

P.O. Box 391 Sacramento, CA 95812

2. Judgment debtor (name and last known address):

Larry Perkins

1415 9th St Rm 445 Sacramento, CA 95814

3. Original judgment

a. Case number (specify): 02AS04144

b. Entered on (date): April 14, 2005

c. Recorded:

(1) Date:

(2) County:

(3) Instrument No.:

4. ☐ Judgment previously renewed (specify each case number and date):

5. ☒ Renewal of money judgment

a. Total judgment \$ 21,855.00

b. Costs after judgment \$ 10,730.00

c. Subtotal (add a and b) \$ 32,585.00

d. Credits after judgment \$

e. Subtotal (subtract d from c) \$ 32,585.00

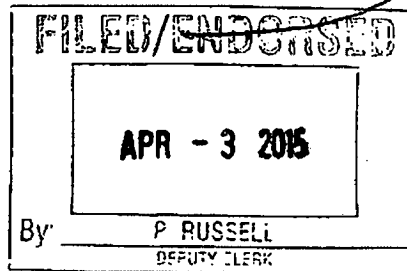
f. Interest after judgment \$ 35,706.58

g. Fee for filing renewal application \$ 30.00

h. Total renewed judgment (add e, f, and g) \$ 68,321.58

i. ☐ The amounts called for in items a-h are different for each debtor.

These amounts are stated for each debtor on Attachment 5.

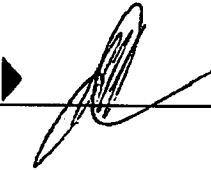


6. ☐ Renewal of judgment for ☐ possession.
☐ sale.
- a. ☐ If judgment was not previously renewed, terms of judgment as entered:
- b. ☐ If judgment was previously renewed, terms of judgment as last renewed:
- c. ☐ Terms of judgment remaining unsatisfied:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: April 3, 2015

John van Doren
(TYPE OR PRINT NAME)


(SIGNATURE OF DECLARANT)